

REMARKS

Claims 1-8, as amended, remain herein. Claim 2 stands withdrawn.

Claim 1 has been amended to recite more clearly applicants' invention. The claim now positively recites elements shown in applicants' Fig. 1. Claim 3 has been amended in light of the change to claim 1.

1. The drawings were said not to illustrate all of the claim elements. Claim 1 has been amended to recite "an explosive charge substantially surrounded by the inner shell," which is shown in Fig. 1. Thus, the claims and drawings correspond. Withdrawal of the objection to the drawings is respectfully requested.

2. Claims 1 and 3-8 were rejected under 35 U.S.C. §112, first paragraph. Claim 1 has been amended to replace the word "surrounding" with "surrounded by." Claim 1 has been further amended to delete the "wherein clause", a correct description of

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how the structure functions, to advance prosecution. The claims comply with the formal requirements of the Patent Code.

The Examiner in the Office Action at page 3, paragraph numbered 6, suggests that the description in the specification does not support the explanation provided during a personal interview with the Examiner on March 12, 2003; as noted above, "wherein clause" of claim 1 is now deleted. The specification fully describes the structure of the presently claimed invention, while an explanation of how the invention works is a matter of a description of the physics involved when detonation of the munition occurs. The criticized clause, however, is no longer present in the claims.

Attached is a certified English translation of a statement by the first-named inventor comparing the forces involved during the first instant of detonation in the presently claimed invention with the forces involved in prior art devices. The inventor contrasts the natural fragmentation occurring in typical prior art containments subjected to an internal detonation wave, with the presently claimed invention wherein a differential stress between the filament and filament-free zones

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of the outermost case create an inertial stress on the internal metal casing, i.e., a shock wave reflecting in an inward direction to cause local super-stress regions on the innermost metal shell, thereby fragmenting that shell.

Claims 1 and 3-8 are in compliance with the description and enablement requirements of 35 U.S.C. §112, first paragraph. Reconsideration and withdrawal of the rejection are respectfully requested.

All claims 1 and 3-8 are now proper in form and patentably distinguished over all grounds of rejection cited in the Office Action. Accordingly, allowance of all claims 1 and 3-8 is respectfully requested.

If the only barrier to allowance is the present of withdrawn claim 2, the Examiner is authorized to cancel the claim for that express purpose.

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Should the Examiner deem that any further action by the applicants would be desirable to place this application in even better condition for issue, the Examiner is requested to telephone applicants' undersigned representatives.

Respectfully submitted,

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Date

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Attachment: Certified English Translation
of a Statement by an Inventor

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